

REMARKS

Applicant has carefully reviewed the advisory action mailed March 23, as well as the final office action mailed January 12, 2006, and offers the following remarks to accompany the above amendments.

New claim 33 has been added. Support for the new claim can be found in paragraph 0019 of specification. No new matter has been added. As claim 20 was previously canceled and the independent claim count is now three, no fee should be required.

As set forth in Applicant's previous responses, the present invention is designed to facilitate monitoring of a hosted voicemail system. Meaning, even though the hosted voicemail system is not directly associated with any customer device, the user may listen as voice messages are being left in the voicemail system and may interrupt the message to answer the call. The claims are focused on an embodiment wherein the calls are directed initially to the voicemail system and then the telephone terminal is alerted to the existence of the incoming call that the called party may wish to monitor. The voicemail system of a service provider according to the present invention may be configured to provide the functionality of a conventional answering machine. The user may listen to the voicemail message being left by the caller as the voicemail message is being recorded. At any time during the recording of the voicemail message, the user may engage the call and begin conversing with the caller.

In the Final Office Action mailed January 12, 2006, Claims 1-19 and 21-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Howe et al. (hereinafter "Howe") in view of Lektion et al. (hereinafter "Lektion"). The Patent Office admitted in the Final Office Action that Howe does not teach that the call is initially directed to the hosted voicemail system before being directed to the telephone terminal. However, the Patent Office asserts that Lektion teaches a system where a call is initially directed to a hosted voicemail system. In reply, Applicant pointed out in its Response After Final dated March 10, 2006 that no portion of Lektion teaches routing a call to the hosted voicemail system and then to the telephone terminal. The sections of Lektion cited by the Examiner do not teach or suggest initially directing the call to the hosted voicemail system.

The overall teaching of Lektion is of a system capable of receiving an inbound telephone call destined for a called party. The associated caller identification data can be identified from the inbound telephone call. The associated caller identification data is compared to a filter list of

caller identification data. Based upon the comparison, call management rules are applied to the inbound call to manage the inbound call by either deferring the inbound call to voicemail or automatically answering the inbound call without requiring pro-active intervention by the called party (see the abstract of Lection). In essence, Lection is solely focused on providing a call screening process based on caller identification in determining whether to answer the call or route it to a voicemail system. Again, there is no indication that the call is initially directed to the voicemail system.

The specific passages of Lection cited by the Patent Office as teaching a system where a call is initially directed to a hosted voicemail system were previously addressed and are not repeated here. Applicant refers the Patent Office to page 3 of its Response After Final filed on March 10, 2006 for the detailed explanation of how Lection fails to teach a system where a call is initially directed to a hosted voicemail system.

In the Advisory Action, the Patent Office again admits that Howe does not teach "initially" directing the call to the hosted voicemail system before being directed to the telephone terminal, but responds to Applicants' argument by referring back to Howe for the teaching that if the called party requests monitoring of the communication/the call, the call is directed to the hosted voicemail system before being directed to the telephone terminal (col. 10, lines 28-31 and 53-57). The Patent Office relies on Lection as teaching that upon receipt of the call, one of the management rules can apply to the call, for example, routing the call directly to the voice mail (page 2, paragraph 0023). Applicant is not sure why the Patent Office cites again to Howe, but in any event it is clear that this section of Howe does not teach the call is not initially directed to the hosted voicemail system before being directed to the telephone terminal. As is clear from col. 10, lines 28-31 of Howe, the call is initially directed to the terminal of called party, who in fact answers the call before choosing how to handle the call.

Moreover, the section of Lection cited by the Patent Office in the Advisory Action (paragraph 0023) in conjunction with the previous paragraph 0022 clearly shows that Lection does not initially direct the call to the hosted voicemail system before being directed to the telephone terminal. Instead Lection discloses that the call is initially directed to, and in fact is received at, the telephone terminal (the call is received in the handset 160 of the called party, see paragraph 0022). Only upon receipt of the call at the handset (terminal) does the handset use caller ID data as part of a call screening process prior to routing the call to the called party or the

voice mail (paragraph 0023). It is clear from these paragraphs, as well as Figure 1, that the call is initially directed to the terminal where it is then routed to the user or to voicemail based on call screening, and that the call is not initially directed to the hosted voicemail system before being directed to the telephone terminal.

From the above discussion, Howe and Llection fail to teach or suggest initially directing a call to a hosted voicemail system to facilitate audible call screening in association with a hosted voicemail system. Since this element is not taught or suggested, *prima facie* obviousness has not been established. As such, claims 1-19 and 21-32 define patentable subject matter.

New claim 33 has been added to more fully define one embodiment of the present invention. Neither Howe, Llection, nor the combination thereof, teaches the elements of claim 33. At the very least, the element of forwarding an incoming call intended for a telephone terminal to a hosted voicemail system, which serves as a voicemail system for the telephone terminal, without attempting to establish a connection to the telephone terminal, is not taught by either the Howe or the Llection references, nor the combination thereof.

Claims 1-19 and 21-33 of the present application are now in condition for allowance and such action is respectfully requested.

Should any issues remain, Applicant, through its representative, specifically requests an interview with the Examiner and his Supervisor so that any remaining issues may be addressed in an effort to expedite allowance and issuance of the present application as soon as possible.

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